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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,620	11/12/2003	Robert W. Anderson	ANDER	5861

7590

11/15/2005

Mr. Edward J. Timmer  
P.O. Box 770  
Richland, MI 49083-0770

EXAMINER
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SCHNEIDER, CRAIG M

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/706,620	<b>Applicant(s)</b> ANDERSON, ROBERT W.	
	<b>Examiner</b> Craig M. Schneider	<b>Art Unit</b> 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/12/2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/16/2004</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the photovoltaic cells for location remote from the air reservoir tank" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

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2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1, 5, 9, 11-13, 15, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westphal (5,399,072) in view of Timm (6,367,259) in further view of Virtudes (6,326,764) and further in view of Cox et al. (3,386,622).

Westphal discloses a self-replenishing, portable air supply device (10) comprising an air reservoir tank (12)(col. 4, lines 14-28) and a hose pressure-indicating gauge(24)(col.4, lines 37-38 and col. 4, lines 65-68) with pressure readout disposed on the air reservoir tank as seen in Figure 1 which also displays air discharge pressure in the hose (col. 4, lines 65-68). Westphal further discloses a manually activated air dispensing valve (50)(col. 4, line 68 onto col. 5, lines 1-2).

Westphal discloses all the features of the claimed invention except that the device has one or more photovoltaic cells exterior the air reservoir tank, a capacitor for receiving electrical power from the one or more photovoltaic cells and intermittently discharging to a solenoid, the solenoid then mechanically compressing air into the air reservoir tank. Cox et al. discloses the use of a solenoid (11) that mechanically compresses air in a compressor system (col. 1, lines 59-65) via a check valve (23) on the tank(col. 3, lines 15-19). Timm discloses the use of one or more photovoltaic cells exterior to a device that charge capacitors to impart an electrical current col. 1, lines 66-

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67 onto col. 2, lines 1-22). Virtudes discloses the use of the photovoltaic cells on the device (12) and also in a remote location from the device (64)(col. 7, lines 29-35).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the solenoid valve of Cox et al. onto Westphal, in order to make the unit more compact (col. 1, lines 35-41).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the photovoltaic cells with capacitors of Timm onto the portable air compressor of Westphal, in order to eliminate the need for a power cord.

4. Claim 2, 10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westphal-Timm-Virtudes-Cox et al. as applied to claim 1 above, and further in view of Klahm et al. (6,786,709).

Westphal-Timm-Virtudes-Cox et al. disclose all the features of claimed invention except that the capacitor and solenoid are disposed inside the air reservoir tank. Klahm et al. disclose that a device (12) is disposed inside a tank (16) as seen in Figure 2 (col.4, lines 24-30).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the device inside the tank as disclosed by Klahm et al. onto Westphal-Timm-Vertudes-Cox et al., in order to conserve space.

5. Claim 3 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westphal-Timm-Vertudes-Cox et al. as applied to claim 1 above, and further in view of Hsu (5,568,117).

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Westphal-Timm-Vertudes-Cox et al. disclose all the features of claimed invention except that a flashlight is disposed on the air reservoir tank. Hsu discloses a flashlight(22) in the handle of the portable air compressor (col. 1, lines 15-30).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to install a flashlight as depicted by Hsu on the handle of the portable air compressor of Westphal-Timm-Vertudes-Cox et al., in order to be able to use the device at night.

6. Claim 4 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westphal-Timm-Vertudes-Cox et al. as applied to claim 1 above, and further in view of Collins (5,143,392).

Westphal-Timm-Vertudes-Cox et al. disclose all the features of the claimed invention except that a self-retracting hose reel is disposed on the air reservoir tank. Collins discloses the use of a self-retracting hose reel (180) for a hose line (col. 4, lines 60-65).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the self-retracting hose reel of Collins onto the air compressor of Westphal-Timm-Vertudes-Cox et al., in order to aid in the protection of the hose when not in use (col. 2, lines 33-35).

7. Claim 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westphal-Timm-Vertudes-Cox et al. as applied to claim 1 and 15 above, and further in view of Duquesne (3,866,654).

Westpahl-Timm-Vertudes-Cox et al. disclose all the features of the claimed invention except a manually activated valve disposed on the air reservoir tank to dispense compressed air. Duquesne discloses the use of a manually activated valve (36 and 34(pushbutton))(col. 3, lines 19-29) disposed at the end of the air inflation house with the pressure gauge as seen in Figure 2.

It would have been obvious to one having ordinary skill in the art to utilize the manually activated valve of Duquesne onto the air compressor of Westpahl-Timm-Vertudes-Cox et al., in order to have control of the compressor by the air pressure gauge.

8. Claim 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westpahl-Timm-Vertudes-Cox et al. as applied to claim 1 above, and further in view of Semak (1,647,818).

Westpahl-Timm-Vertudes-Cox et al. disclose all the features of the claimed invention except a connector to secure the air reservoir tank in a location of use. Semak discloses a connector (screws) to secure the tire inflating device(10) in a location of use (lines 60-68).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of securing a tire inflating device as taught by Semak onto the air compressor of Westpahl-Timm-Vertudes-Cox et al., in order to avoid the device from bumping around.

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8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Westpahl-Timm-Vertudes-Cox et al.-Semak as applied to claim 7 above, and further in view of Desmaris (6,283,527).

Westpahl-Timm-Vertudes-Cox et al.-Semak disclose all the features of the claimed invention except that the device is mounted on a pick-up truck bed. Desmaris discloses objects (10) mounted on a pick-up truck bed (col. 3, lines 28-34).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to connect the air compressor of Westpahl-Timm-Vertudes-Cox et al.-Semak onto the truck bed of Desmaris, in order to have access to the compressor yet still have the compressor located out of view.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Woodland (6,056,237) and Cava (6,253,560) disclose the use of photovoltaic cells. Black et al. (1,187,031) and Fish (4,187,058) disclose portable air compressors.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig M. Schneider whose telephone number is (571) 272-3607. The examiner can normally be reached on M-F 8:30 -5:00.

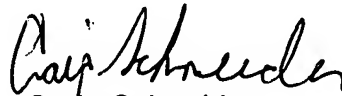
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Blau can be reached on (571) 272-4406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.




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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMS  
November 3, 2005

  
Craig Schneider  
Patent Examiner  
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**STEPHEN BLAU**  
**PRIMARY EXAMINER**

Stephen Blau  
Primary Examiner